

**MISTY BLU STEWART, on behalf
of herself and all others similarly situated,**

Plaintiff,

vs.

**CUS NASHVILLE, LLC, COYOTE UGLY
SALOON DEVELOPMENT CORP., COYOTE
UGLY ENTERTAINMENT, INC.,
and LILIANA LOVELL,**

Defendants.

**PLAINTIFF’S MOTION TO AMEND COMPLAINT
AND SUPPORTING MEMORANDUM**

Comes the Plaintiff, Misty Blu Stewart, pursuant to the Order extending deadlines (docket entry no. 66) and the Federal Rule of Civil Procedure 15(a), and moves the Court for an order allowing her to amend her Complaint by filing the Amended Complaint attached hereto as Exhibit ‘A’. Plaintiff would show that the present motion should be granted as the proposed Amended Complaint merely adds defendants learned about in discovery, causes of action that have occurred since the filing of the original complaint, and to further clarify the facts.

Plaintiff's motion to amend is in compliance with the Court's Order extending deadlines and the Federal Rule of Civil Procedure 15(a), which requires that leave to amend " . . . shall be freely given when justice so requires." Moreover, Federal Rule of Civil Procedure 15(c) states in pertinent part: "[w]henever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading."

To justify the exclusion of amendments, Rule 15 contemplates that the objecting party must be put to some serious disadvantage; it is not enough that he or she advances an imagined grievance

or seeks to protect some tactical advantage. Wright, Miller and Caine, Federal Practice and Procedure, Section 1495, at pages 57-58. Conversely, Plaintiff would be greatly prejudiced by the exclusion of the requested amendment. Accordingly, the Plaintiff should be permitted to amend the pleadings to add her retaliation claims, additional defendants learned of in discovery, and further clarify the facts of the original pleadings.

CONCLUSION

Plaintiff respectfully asserts that she should be permitted to amend her Complaint in the form attached to her motion in accordance with the Court's Order extending deadlines and Rule 15 of the Federal Rules of Civil Procedure and in the interest of justice.

Respectfully submitted,

/s/ Randall W. Burton

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that I electronically filed and served this Plaintiff's Motion to Amend Complaint using the Court's CM/ECF system upon all counsel of record, including Anne C. Martin and Marshall T. Cook, 511 Union Street, Suite 1600, Nashville, Tennessee 37219 on July 31, 2012.

/s/Randall W. Burton